

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

METROPOLITAN TRANSPORTATION  
AUTHORITY, et al.,

Plaintiffs,

NEW YORK CITY DEPARTMENT OF  
TRANSPORTATION, et al.,

Intervenor-Plaintiffs,

v.

SEAN DUFFY, in his official capacity as  
Secretary of the United States Department of  
Transportation, et al.,

Defendants.

CIVIL ACTION NO. 1:25-cv-01413-LJL

**NOTICE OF MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

TO THE CLERK OF COURT AND ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that Intervenor-Plaintiffs Riders Alliance and Sierra Club, upon the accompanying memorandum of law and declarations in support of this motion, along with the Administrative Record lodged by Defendants and the papers incorporated by reference in the memorandum of law, will move this Court, before the Honorable Lewis J. Liman, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Rules 56 and 57 of the Federal Rules of Civil Procedure, the Administrative Procedure Act, 5 U.S.C. § 706, and the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*:

1. Granting summary judgment to Intervenor-Plaintiffs on Counts II and IV of Intervenor-Plaintiffs' First Amended Complaint, ECF 63;

2. Vacating the February 19, 2025 letter from Defendant Duffy to Governor Hochul purporting to terminate the November 21, 2024 agreement between TBTA, NYCDOT, and the New York State Department of Transportation and Defendant Federal Highway Administration (the “VPPP Agreement”) and rescind federal approval for the Central Business District Tolling Program (the “February 19 Letter”);
3. Issuing a declaratory judgment that: (a) Defendants lack the authority to unilaterally terminate the VPPP Agreement unless Defendants demonstrate, pursuant to applicable law, a failure to comply with the VPPP Agreement’s terms and conditions; (b) the February 19 Letter is null, void, and of no effect; and (c) any efforts to enforce the February 19 Letter are unlawful, and are null, void, and of no effect.

**PLEASE TAKE FURTHER NOTICE** that per the parties’ schedule, “So-Ordered” by the Court on June 6, 2025 (ECF No. 139), opposition to the motion, if any, is due no later than July 18, 2025, unless otherwise agreed to by the parties or ordered by the Court.

DATED: June 27, 2025

*s/Dror Ladin*  
Dror Ladin  
Earthjustice  
48 Wall Street, 15th Floor  
New York, NY 10005  
(917) 410-8701  
dladin@earthjustice.org

*Counsel for Intervenor-Plaintiffs Riders  
Alliance and Sierra Club*